

REMARKS

This Response is being filed in response to the Final Office Action mailed on September 22, 2006, and concurrently with a Request for Continued Examination.

Claims 1-17 are currently pending in this case. Independent claims 1 and 9, and dependent claims 14 and 15 have been amended by this Response, and claims 10 and 12-13 have been cancelled.

Claims 1, 3-14, and 16-17 currently stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,951,525 to Thorne et al. (Thorne). Claims 2 and 15 currently stand rejected under 35 U.S.C. § 103(a) as being obvious in view of Thorne.

Although applicants respectfully disagree with the Examiner's rejections, applicants have further amended independent claims 1 and 9 to more specifically recite a guide having stationary and movable portions that both have *substantially planar* configurations, and that are movable between first and second positions such that when in the first position, *the stationary and movable portions lie substantially in the same plane*. Thorne fails to teach or suggest such features, as the stationary portions (indicated by the Examiner to be left and right portions of element 80) of Thorne clearly are not of planar configuration. Further, the device of Thorne cannot exist in a position where the stationary (portions of element 80) and movable portions (elements 100, 110) lie in substantially the same plane.

Claims 1 and 9 have further been amended so that, in addition to reciting a moving portion coupled to a stationary portion "substantially only along a line that is substantially perpendicular to the longitudinal axis of the stem", it also now recites that such line *extends along at least a portion of a proximal edge of the stationary portion*. Thorne similarly fails to teach or suggest this element, as the "movable portion" of Thorne is not movably coupled to the "stationary portion" along a line that is at a proximal edge of the stationary portion.

Applicants respectfully submit that in view of the fact that Thorne fails to teach or suggest several elements set forth in amended claims 1 and 9, that Thorne cannot properly anticipate these claims. As such, applicants respectfully request reconsideration and allowance of independent claims 1 and 9, and each of claims 2-8,

11 and 14-17, which, by virtue of their dependence from claims 1 and 9, are also patentable over the cited reference.

Although no fee is believed to be due in connection with this Response, the Commissioner is hereby authorized to charge any such fee to deposit Account No. 10-0750/GYN-5012/MJS.

Should any minor points remain prior to issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned at the below-listed telephone number.

Respectfully submitted,

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